IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44099 of 2007
JAGDISH SINGH
Versus
STATE OF BIHAR & ANR
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5. 14.5.2008. This application under Section 482 Cr.P.C. has been filed for quashing of the order dated 19.3.2007 passed by learned Special Judicial Magistrate, C.B.I., Patna in connection with R/C 2(A)/06 whereby and whereunder cognizance under Section 120 B, 420, 467, 468, 471 of the IPC has been taken against this petitioner.

Heard learned counsel for both the parties.

The only grievance of the petitioner is that earlier to filing of R/C 2(A)/06, Bakhari P. S. Case No. 36/97 was registered in which cognizance has been taken on 21.10.1997. Therefore, the aforesaid R/C case is not maintainable in the eye of law and is fit to be quashed.

However, on perusal of fardbeyan of R/C 2(A)/06 it appears that CBI took up the investigation in the matter in the light of judgment dated 18.12.1998 passed by this Court in CWJC NO. 9847/1998. In that very case, aforesaid Bakhari P. S. Case No. 36 of 1997 has been merged.

Learned Standing Counsel for CBI files a photocopy of letter dated 18.7.2006 written by CJM, Begusarai in order to show that Bakhari P. S. Case No. 36 of 1997 has

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already been sent to Special Court, CBI to be kept along with R/C 2(A)/06.

Thus, having regard to the facts and circumstances of the case, I am not inclined to interfere in the impugned order. Accordingly, this application is, hereby, rejected.

However, Court below shall expedite the trial without giving unnecessary adjournments to either of the parties.

kanchan **(Ghanshyam Prasad, J.)**

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